IN THE HIGH COURT OF JUDICATURE AT BOMBAY

REVIEW PETITION NO.74 OF 2003
IN
WRIT PETITION NO. 6332 OF 2000

Mallikarjun Veersangappa Gadve .. Petitioner

Vs.

1. The State of Maharashtra & Ors. .. Respondents

Mr. A.V. Anturkar for Petitioner.
Mr. S.K. Chinchlikar, AGP for Respondents.

CORAM : S.S. PARKAR & S.A. BOBDE, JJ.

Date : December 08, 2004.

P.C.:

1. This review petition has been filed on the ground that while disposing of the Writ Petition No.6332 of 2000 filed by the petitioner by order dated 26/2/2001, the letter dated 11/7/1988, withdrawing the lands in question from acquisition by the authorities, was not brought to the notice of the Bench, though the copy thereof was annexed as Exh."D" to the said petition paper book at page 24. While disposing of the aforesaid petition it was observed in paragraph 2 of the order that no such letter was ever pointed out nor relied upon when Writ Petition No.1345 of 1986, filed earlier by the petitioner, was disposed of. It was further observed that even in the present petition no particulars were given as to what this letter was.

Mr. Anturkar states that the copy of the said letter was annexed as Exh."D" to the aforesaid writ petition but the learned advocate appearing for the petitioner through oversight did not point out the said letter to the Bench at the time of the disposal of the said petition and that is why the petition came to be summarily rejected. He submits that the petition would not have been dismissed if the said letter had been brought to the notice of the court. The learned AGP does not dispute that the copy of the said letter was annexed to the aforesaid petition.

2. In view of the above, this review petition is allowed and the order dated 26/2/2001 passed in Writ Petition No.6332 of 2000 is set aside. The Writ Petition No.6332 of 2000 shall be placed for admission before the appropriate bench as per the roster. It would be open for the respondents to raise the points on merits, which have been, inter alia, raised in the reply affidavit dated 29/7/2003 of S.L.A.O., at the time of admission of the petition.

(S.S. Parkar, J.)

(S.A. Bobde,J.)